

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

Honorable Stephen J Murphy III

-vs-

DR RAJENDRA BOTHRA

Case No 18-cr-20800

Defendant,
_____ /

RESPONSE AND BRIEF IN OPPOSITION TO
JOINT MOTION TO CONTINUE AND DETERMINE EXCLUDABLE DELAY

NOW COMES the Defendant, DR RAJENDRA BOTHRA, by his attorneys, ALAN T ROGALSKI and ARTHUR JAY WEISS, and for his Response in Opposition to Joint Motion to Continue and Determine Excludable Delay, respectfully says unto this Honorable Court as follows:

1. DR RAJENDRA BOTHRA does not contest the allegations contained in Paragraph 1.

2-4. In response to the allegations contained in Paragraphs 2 through 4, inclusive, Dr Bothra respectfully proffers “[t]he principle that ‘[g]overnment is not free to disregard the [Constitution] in times of crisis’ applies in full force during this pandemic. *Roman Catholic Diocese of Brooklyn v Cuomo*, —US—, 141 S Ct

63, 69, —L Ed 2d—(2020) (Gorsuch, J, concurring),” *United States v Henning*, — F Supp 3d—, 2021 WL 222355 *4 (CD Cal 1/19/21).

5-6. In response to the allegations contained in Paragraphs 5 and 6, Dr Bothra respectfully proffers the current pandemic cannot justify an endless stream of “ends of justice,” 18 USC § 3161 (h) (7) (A) and (B) (i), continuances, *see, e g*, *United States v Henning*, *supra*, 2021 WL 222355 at *9; *Kurtenbach v Howell*, 2020 WL 7695578 **5-6 (D SD 12/28/20); *see also*, *United States v Moran*, 998 F 2d 1368, 1370-1372 (6th Cir 1993).

7. Dr Bothra acknowledges he opposes the pertinent Joint Motion.

WHEREFORE, the Defendant, DR RAJENDRA BOTHRA, respectfully prays this Honorable Court Deny the Joint Motion to Continue and Determine Excludable Delay.

ALAN T ROGALSKI
ARTHUR JAY WEISS

/s/ Arthur Jay Weiss
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Dated: May 17, 2021.

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Defendant,
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CERTIFICATE OF SERVICE

ARTHUR JAY WEISS, co-counsel of record for DR RAJENDRA BOTHRA, a Defendant in the above-entitled matter, hereby Certifies that on the 17th day of May 2021 he served all counsel of record a copy of Response and Brief in Opposition to Joint Motion to Continue and Determine Excludable Delay and Certificate of Service relative to the above-entitled matter by electronic means.

/s/ Arthur Jay Weiss
ARTHUR JAY WEISS (P 25225)